In the High Court of Punjab and Haryana at Chandigarh

CWP No. 125 of 2007
Date of decision: October 15, 2007

Vivek alias Basu and another

---Petitioners

Vs.

State Bank of India, Jalandhar

---Respondent

Coram: **HON'BLE MR. JUSTICE M.M.KUMAR**
HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

Present: Mr.Balram Singh, Advocate,
for the petitioners.
Mr.Ashok Gupta, Advocate,
for the respondent.

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M.M.KUMAR J.

It is admitted position that earlier the petitioners had approached through their maternal grand father-Buta Ram by filing C.W.P.No. 18108 of 2004. A Division Bench of this Court on 15.12.2006 had relegated them to avail statutory remedy of filing appeal under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002(for brevity 'the Act') by giving them a concession of period of limitation. It is conceded position that they had not availed the remedy as per direction issued by this Court on 15.12.2006. The present petition has been filed through their maternal uncle-Mohinder Kumar.

The petitioners instead of availing the statutory remedy of filing the appeal, have again approached this Court by filing the present writ

petition which is not maintainable and is sheer misuse of the process of the Court. Accordingly, the writ petition fails and the same is dismissed.

(M.M.KUMAR)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

October 15, 2007
paramjit